

## **Proposed policy for Executive level clearance of Sensitive Information under FOIA process:**

### **Definitions:**

*Sensitive information:* Controlled unclassified information materials including internal correspondence, memoranda, emails, drafts, calendars, and travel logs of the Secretary, the Deputy Secretary, the Chief of Staff, the Deputy Chief of Staff, the Executive Secretary, Under Secretaries, Assistant Secretaries, legal advisors, senior advisors, and counselors. Press inquiries about any of the sensitive information or the positions involved also meet the general definition of "sensitive information." The definition encompasses all prior records of these offices and official positions, in addition to current office holders.

*Public documents:* Agency records which are available on the internet, or have been previously disclosed to the public, or constitute a final agency decision.

**Purpose of Process:** To ensure the appropriate review of all sensitive information as described in the definition above by the Executive Secretary's/Chief of Staff Office, General Counsel, Legislative Affairs, and Public Affairs prior to disclosure. The purpose of this process step and underlying policy is:

- A) To ensure the appropriate offices are fully informed that sensitive materials are in the process of being reviewed for possible release
- B) To inform the designated review office staff of applicable exemptions that may apply to the materials, if any
- C) To provide a discreet and specific process step for the designated review offices to assess and review the possible release of information
- D) To ensure that all applicable statutes, regulations, and internal guidelines have been followed in the review and release of materials

**Policy:** Management policy is to review all information proposed to be released under FOIA and responses to FOIA requests which involve sensitive information, as described above, with the Executive Secretary/Chief of Staff Office, General Counsel, Legislative Affairs, and Public Affairs.

These reviews will normally occur after initial redactions have been made and will include a cover action memorandum providing recommendations on the applicability of exemptions, if any, under the Freedom of Information Act. These requests should be submitted electronically leveraging the functionality of Adobe Acrobat 8.0 (or above) for redaction. Utilization of this tool enables the reviewers to see what is being proposed for redaction and supports a paperless workflow. Comments from the reviewers can then be applied via the "sticky note" or "comment" function and returned to the program office.

1. Sensitive requests will be identified one of two ways:

- a. By Disclosure Services upon receipt and review
  - i. Identify the request as "sensitive" on the FAF
  - ii. Create folder on SharePoint site under DO FOIA, Sensitive requests, titled by request number
- b. By program office upon review of responsive records after conducting the records search

2. In each case, the following procedures apply:

- a. Identify the request as "sensitive" on the FAF
- b. Notify the following offices via e-mail
  - i. Disclosure Services at [Hugh.Gilmore@do.treas.gov](mailto:Hugh.Gilmore@do.treas.gov)
  - ii. Your office FOIA coordinator, who will notify all other assigned offices
- c. E-mail subject line should read: Sensitive Request 2009-XX-XXX Identification
- d. Attach updated FAF

3. Perform FOIA analysis and indicate proposed redactions

- a. Preferred method is to perform all redactions electronically using Adobe Acrobat 8.0 or higher version
- b. Paper documents should be scanned and converted into PDF documents to enable use of Adobe Acrobat
- c. File naming convention: X-request number-description-reviewer initials (if appropriate)

i. X category descriptors:

**C** = comments version (either via Sticky Note feature on PDF or a Word file with comments enumerated)

**D** = document(s) for review

**F** = FOIA Action Form (FAF)

**M** = cover memo

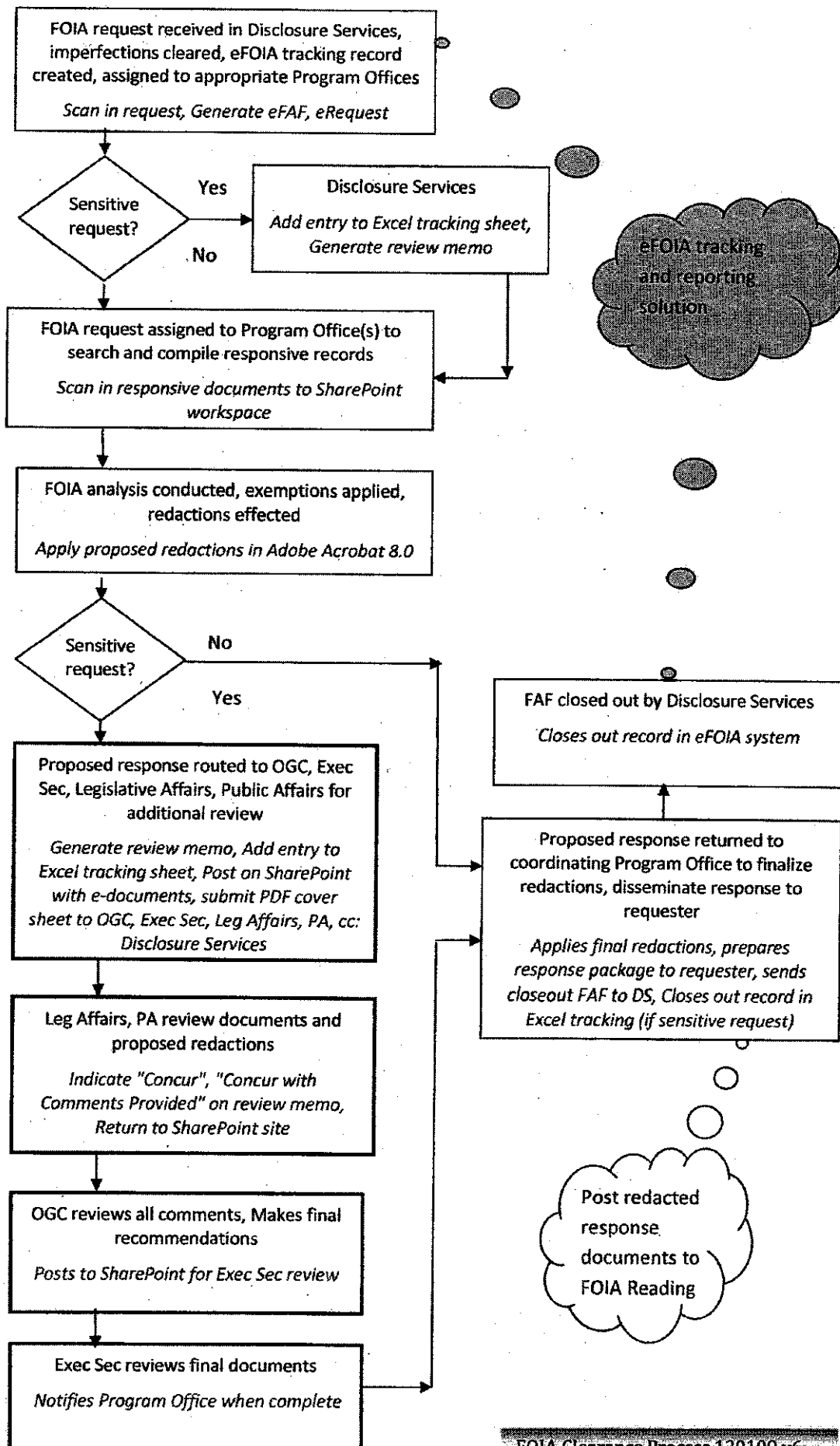
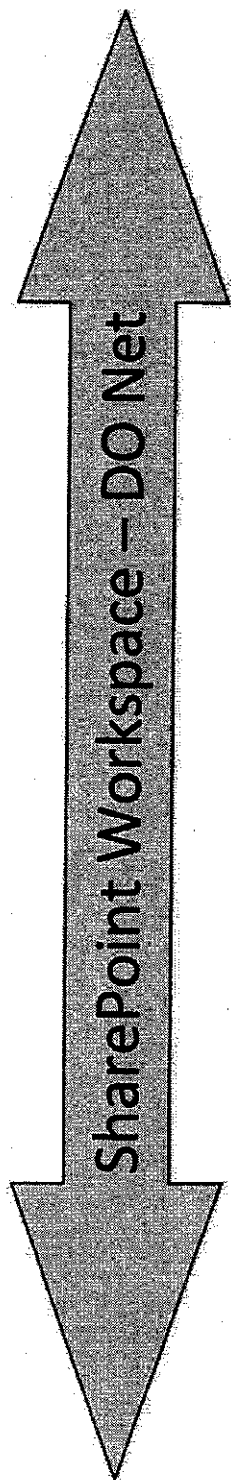
**P** = final file with all redactions applied, version that will be sent to requester

S = cover sheet for reviewers

4. Prepare cover memo to reviewers describing the exemptions applied and the rationale for their application
5. Provide electronic versions of the memo and the documents to your office FOIA coordinator
6. Office FOIA coordinator uploads the following files to the SharePoint site **DO FOIA, Sensitive FOIA Documents**, in the folder with the appropriate FOIA request number. **[Note:** Notify Disclosure Services at [Hugh.Gilmore@do.treas.gov](mailto:Hugh.Gilmore@do.treas.gov) if there is not a folder with the appropriate FOIA request number and they will create the folder.]
  - a. Cover memo to reviewers
  - b. Cover sheet for reviewers - indicate the point of contact from the coordinating office if the reviewers have questions
  - c. Documents to be reviewed
7. Office FOIA coordinator e-mails cover sheet for reviewers via the "Submit by e-mail" feature in the form
8. Reviewers go to appropriate folder on SharePoint site and review the relevant documents
  - a. Documents must be saved to individual's computer and opened in Adobe Acrobat to have full program functionality, e.g. adding sticky notes, comments, new redactions
9. Reviewers indicate on the cover sheet if they "agree" or "disagree" with proposed redactions, and also indicate if they want to "discuss" the proposed redactions, and then send the cover sheet file to the Office of General Counsel contact.
10. Office of General Counsel is responsible for ensuring all reviewers questions are addressed and preparing a file describing resolution of questions
11. Office of General Counsel prepares final response and uploads the following files to the SharePoint site under the requisite folder:
  - a. Cover sheet for reviewers indicating all reviewers have agreed to proposed redactions
  - b. File describing resolution of reviewer questions or comments
  - c. Response file(s) with final redactions applied (the same file that will be sent to requesters)
12. Exec Sec completes final review and sends e-mail to coordinating office point of contact that approved/revised documents are ready on the portal

**13. Coordinating office submits completed FAF to Disclosure Services**

**14. Disclosure Services closes out request**



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**From:** Hartman, Melissa  
**Sent:** Wednesday, December 09, 2009 6:59 PM  
**To:** Fleming, Barbara (DO)  
**Cc:** Rajae, Babak Y; Dooley, Maureen; Gorski, Stephanie; Vugrinovich, Mark; Gilmore, Hugh  
**Subject:** RE: Proposed Clearance Process for FOIA

Barbara,

Your feedback is very constructive as we refine this process. Let me take the items in order.

1. Coordinating offices – if there are multiple offices on a FAF – is the office providing redacted documents to the lead office expected to have their items cleared prior to providing to the Lead office or is the Lead office responsible for providing as one package? Ideally all proposed redacted documents would be sent through the coordinating office to submit to the sensitive review process as one package. However, if the responses are to be sent out individually as partials, the documents can be submitted as standalones through the process.
2. I did not see a timeline or metric for completion of the clearance review process –
  - a. Concern – without a metric/timeline for completion of for the clearance process, the time to release FOIA request could be delayed. You are correct and we share your concern. The FOIA request due date is identified in the cover memo that the office provides with the package for sensitive review. We can add a field for that date to the cover clearance sheet as well if that will reinforce the urgency. We are keeping metrics of how long it takes to get these through this process, but we only have 3 to date that have been submitted, which is a small sample size.
3. OGC review –
  - a. Concern – OFS already has an OGC review incorporated into our FOIA process by Allan Blutstein, this results in a double review by OGC. Indicate on the cover sheet (via comment or sticky note function) that Allan has reviewed for OGC. I will bring that up to the workgroup to see if that will expedite OGC review.
4. Sensitive Information Cover Sheet – no back up listed
  - a. Concern – should someone be unavailable, on extended leave, etc. the number of days to close the FOIA cases could be increased. I will bring this up to the workgroup as well. Three of the four areas do have a backup person with access to the site at this time, though their names are not on the cover sheet.
5. Press Inquiries – Can you confirm that my understanding of the policy is accurate? I understand it to read that only Press inquiries regarding what is listed as sensitive information are required to go thru this clearance process, not ALL Press inquiries. Is this correct? For starters we are including ALL press inquiries regardless of the level of Treasury official involved.

I anticipate we will continue to refine the process as we go forward, including potentially narrowing the scope of the requests that are included in this process.

Thanks,  
Melissa

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